

7-19. Compromise, Remittance and Settlement of Administrative Penalties associated with Violations of title II of the Clean Air Act (1200 TN 350 7-19)**1. AUTHORITY.** Pursuant to title II of the Clean Air Act:

- a. To commence an administrative penalty action pursuant to Sections 205(c), 211(d) and 213(d), by providing written notice of a proposal to assess a penalty for any violations under Sections 203, 211 and/or 213;
- b. To compromise or remit administrative penalties, with or without conditions, which may be imposed pursuant to Sections 205(c), 211(d), and 213(d), for any violation under Sections 203, 211 and/or 213;
- c. To determine the facts in conjunction with commencing an administrative penalty action and/or compromise or remittance of penalties;
- d. To settle administrative penalty actions under Sections 205(c), 211(d) and/or 213(d);
- e. To take all associated actions pursuant to the CAA; and
- f. To determine jointly with the Attorney General (AG) the circumstances under which a matter involving a larger penalty than specified in Section 205(c) is appropriate for administrative penalty assessment.

2. TO WHOM DELEGATED.

- a. The authorities in 1.a, 1.b., 1.c. 1.d. and 1.e are delegated to the Director, Enforcement and Compliance Assurance Division (ECAD); and Chief, Air, RCRA and Toxics Branch, ECAD.
- b. The authorities in 1.c and 1.d. are delegated to the Regional Counsel (RC).
- c. The authorities in 1.b are delegated to the Regional Judicial and Presiding Officer.
- d. The authority in 1.f is delegated to the RC. The RC may exercise this authority only after prior consultation with the appropriate delegatee in 2.a., above.

3. LIMITATIONS. None.**4. REDELEGATION AUTHORITY.**

- a. This authority may be redelegated to the branch chief level and no further. This authority may not be redelegated without formal amendment.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. This delegation does not delegate the Administrator's authority to grant waivers under Section 211(f)(4) or issue regulations under Section 211.
- b. For civil judicial actions see the Chapter 7 delegation entitled "Civil Judicial Enforcement Actions" and "Emergency TROs."
- c. For civil administrative actions other than those under Title II, see Chapter 7 delegation entitled "Administrative Enforcement Actions."

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6. SUPERSESSION. Delegations Manual, CAA, Regional Delegation 7-19, Compromise, Remittance and Settlement of Administrative Penalties associated with Violations of title II of the Clean Air Act, 1200 TN RIII 197 (April 27, 2017).

Date: APR 15 2019


Cosmo Servidio
Regional Administrator